

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-01802-EGS**

INSTITUTE FOR ENERGY RESEARCH v. UNITED STATES  
DEPARTMENT OF STATE  
Assigned to: Judge Emmet G. Sullivan  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/01/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**INSTITUTE FOR ENERGY  
RESEARCH**

represented by **Jason T. Miller**  
GOVERNMENT ACCOUNTABILITY  
AND OVERSIGHT  
4008 Ferrara Drive  
Silver Spring, MD 20906  
(269) 841-0046  
Email: [61miller@cua.edu](mailto:61miller@cua.edu)  
**ATTORNEY TO BE NOTICED**

**Christopher Cochran Horner**  
GOVERNMENT ACCOUNTABILITY &  
OVERSIGHT P.C.  
1489 Kinross Lane  
Keswick, VA 22947  
(202) 262-4458  
Fax: (434) 202-1237  
Email: [chris@chornerlaw.com](mailto:chris@chornerlaw.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
STATE**

represented by **Derek S. Hammond**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2511  
Fax: (202) 252-2599  
Email: [derek.hammond@usdoj.gov](mailto:derek.hammond@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Benton Gregory Peterson**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2534  
Fax: (202) 252-2599  
Email: [benton.peterson@usdoj.gov](mailto:benton.peterson@usdoj.gov)  
**TERMINATED: 03/05/2019**

Date Filed	#	Docket Text
08/01/2018	<u>1</u>	COMPLAINT <i>IER V STATE</i> filed against UNITED STATES DEPARTMENT OF STATE <i>re</i> FOIA ( Filing fee \$ 400 receipt number 0090-5614068) filed by INSTITUTE FOR ENERGY RESEARCH. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons Request for Summons STATE DEPT, # <u>3</u> Summons

		Request for Summons US Atty General, # <u>4</u> Summons Request for Summons USADC, # <u>5</u> Notice and Consent Consent to Magistrate Judge, # <u>6</u> Notice and Consent LCvR 7.1 Certificate)(Horner, Christopher) (Entered: 08/01/2018)
08/01/2018	<u>2</u>	NOTICE of Appearance by Jason T. Miller on behalf of INSTITUTE FOR ENERGY RESEARCH (Miller, Jason) (Entered: 08/01/2018)
08/01/2018		Case Assigned to Judge Emmet G. Sullivan. (zsth) (Entered: 08/01/2018)
08/01/2018	<u>3</u>	CIVIL COVER SHEET <i>Amended</i> by INSTITUTE FOR ENERGY RESEARCH filed by INSTITUTE FOR ENERGY RESEARCH.(Miller, Jason) (Entered: 08/01/2018)
08/01/2018	<u>4</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 08/01/2018)
08/01/2018	<u>5</u>	Consent to Proceed before US Magistrate Judge by INSTITUTE FOR ENERGY RESEARCH.. (zsth) (Entered: 08/01/2018)
08/01/2018	<u>6</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by INSTITUTE FOR ENERGY RESEARCH (zsth) (Entered: 08/01/2018)
08/02/2018	<u>7</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 08/02/18. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 08/02/2018)
08/09/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/6/2018. Answer due for ALL FEDERAL DEFENDANTS by 9/5/2018. (Miller, Jason) (Entered: 08/09/2018)
08/09/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 08/06/2018. (Miller, Jason) (Entered: 08/09/2018)
08/17/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF STATE served on 8/6/2018 (Miller, Jason) (Entered: 08/17/2018)
09/04/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF STATE served on 8/27/2018 (Attachments: # <u>1</u> Exhibit Postal Tracking Proof of Service)(Miller, Jason) (Entered: 09/04/2018)
09/05/2018	<u>12</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF STATE.(Peterson, Benton) (Entered: 09/05/2018)
09/27/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than November 1, 2018. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement, especially in view of <u>5</u> plaintiff's consent to proceed before a Magistrate Judge; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 9/27/2018. (lcegs3) (Entered: 09/27/2018)
09/28/2018		Set/Reset Deadlines: Joint Scheduling Order due by 11/1/2018. (mac) (Entered: 09/28/2018)

11/01/2018	<u>13</u>	Joint STATUS REPORT <i>filed on behalf of both parties</i> by INSTITUTE FOR ENERGY RESEARCH. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order for JSR)(Horner, Christopher) (Entered: 11/01/2018)
11/02/2018		MINUTE ORDER in view of <u>13</u> joint status report, the parties are directed to file another joint status report by no later than November 16, 2018. Signed by Judge Emmet G. Sullivan on 11/2/2018. (lcegs3) (Entered: 11/02/2018)
11/02/2018		Set/Reset Deadlines: Joint Status Report due by 11/16/2018. (mac) (Entered: 11/02/2018)
11/16/2018	<u>14</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Peterson, Benton) (Entered: 11/16/2018)
11/28/2018		MINUTE ORDER in view of <u>14</u> joint status report, the parties are directed to file another joint status report advising the Court as to the status of the parties' settlement agreement by no later than December 17, 2018. Signed by Judge Emmet G. Sullivan on 11/28/2018. (lcegs3) (Entered: 11/28/2018)
11/29/2018		Set/Reset Deadlines: Joint Status Report due by 12/17/2018. (mac) (Entered: 11/29/2018)
12/17/2018	<u>15</u>	Joint STATUS REPORT <i>Filed on behalf of both parties</i> by INSTITUTE FOR ENERGY RESEARCH. (Horner, Christopher) (Entered: 12/17/2018)
12/19/2018		MINUTE ORDER. In view of <u>15</u> joint status report, the parties are directed to submit a joint status report by no later than January 21, 2019 to apprise the Court of the status of the case. Signed by Judge Emmet G. Sullivan on 12/19/2018. (lcegs3) (Entered: 12/19/2018)
12/19/2018		Set/Reset Deadlines: Joint Status Report due by 1/21/2019. (mac) (Entered: 12/19/2018)
01/18/2019	<u>16</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/18/2019)
01/22/2019		MINUTE ORDER denying <u>16</u> consent motion to stay and extension of time in light of lapse of appropriations. The parties are directed to comply with the Court's December 19, 2018 Minute Order by no later than February 1, 2019. Signed by Judge Emmet G. Sullivan on 1/22/2019. (lcegs3) (Entered: 01/22/2019)
01/22/2019		Set/Reset Deadlines: Status Report due by 2/1/2019 (mac) (Entered: 01/22/2019)
01/29/2019	<u>17</u>	Joint STATUS REPORT <i>Filed on behalf of both parties</i> by INSTITUTE FOR ENERGY RESEARCH. (Horner, Christopher) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER. In view of <u>17</u> joint status report, in which the parties state that they have reached an agreement in principle, the parties are directed to submit another joint status report by no later than March 15, 2019 to apprise the Court of the status of the case. The parties need not file another joint status report if a stipulation of dismissal has been filed before March 15, 2019. Signed by Judge Emmet G. Sullivan on 1/30/2019. (lcegs3) (Entered: 01/30/2019)
01/31/2019		Set/Reset Deadlines: Joint Status Report due by 3/15/2019. (mac) (Entered: 01/31/2019)
03/05/2019	<u>18</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of UNITED STATES DEPARTMENT OF STATE Substituting for attorney Benton G. Peterson (Hammond, Derek) (Entered: 03/05/2019)
03/15/2019	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Hammond, Derek) (Entered: 03/15/2019)
03/18/2019		MINUTE ORDER. In view of <u>19</u> Joint Status Report, the parties shall file a joint status report to apprise the Court of the status of the case by no later than April 26, 2019. Signed by Judge Emmet G. Sullivan on 3/18/2019. (lcegs3) (Entered: 03/18/2019)
03/18/2019		Set/Reset Deadlines: Joint Status Report due by 4/26/2019. (mac) (Entered: 03/18/2019)

04/26/2019	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF STATE. (Hammond, Derek) (Entered: 04/26/2019)
04/26/2019		MINUTE ORDER. In view of the parties' <u>20</u> Joint Status Report that states the parties have exchanged and commented on language set forth in a draft settlement agreement, the parties are directed to submit another joint status report by no later than May 27, 2019 to apprise the Court of the status of the case. The parties need not file another joint status report if a stipulation of dismissal has been filed before March 27, 2019. Signed by Judge Emmet G. Sullivan on 4/26/2019. (lcegs3) (Entered: 04/26/2019)
04/29/2019		Set/Reset Deadlines: Joint Status Report due by 5/27/2019. (mac) (Entered: 04/29/2019)
05/28/2019	<u>21</u>	STIPULATION of Dismissal <i>filed on behalf of both parties</i> by INSTITUTE FOR ENERGY RESEARCH. (Horner, Christopher) (Entered: 05/28/2019)